



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Precision McGrill 921
DOCKET NO.: 15-32301.001-C-1
PARCEL NO.: 07-33-102-026-0000

The parties of record before the Property Tax Appeal Board are Precision McGrill 921, the appellant(s), by attorney Joanne Elliott, of Elliott & Associates, P.C. in Des Plaines; and the Cook County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **No Change** in the assessment of the property as established by the **Cook** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$14,062
IMPR.: \$26,644
TOTAL: \$40,706

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Cook County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2015 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property is a 35 year-old, one-story warehouse building of masonry construction containing 4,950 square feet of gross building area. The property has a 15,000 square foot site located in Schaumburg Township, Cook County. The subject is classified as a Class 5-93 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on overvaluation based on a recent sale and on an income analysis. In support of the recent sale argument, the appellant submitted a settlement statement disclosing the subject property was purchased on August 29, 2014 for \$120,000. The subject's sale price reflects a market value of \$24.24 per square foot of building area including land. The appellant also submitted a Commercial Sales Contract pertaining to the sale of the subject; a

four-page Cook County Assessor appeal petition; color photographs of the subject; a realtor listing agreement for the lease or sub-lease of the subject; and a lease agreement dated in 2015. The appellant also submitted a two-page sale listing summary that disclosed the subject was sold by BMO Harris Bank as REO property. This listing summary stated the subject contained 9,800 square feet of building area. However, the appellant's Assessor appeal petition and affidavit stated the subject contained 5,000 square feet of building area, which is approximately the same size disclosed by the board of review.

In support of the income analysis, the appellant submitted a one-page spreadsheet disclosing income and expenses, as well as a brief in which the appellant calculated a suggested market value accounting for net income and a vacancy factor. However, at hearing the appellant withdrew its overvaluation argument based on an income analysis without objection from the board of review.

The appellant provided information in Section IV—Recent Sale Data of the Residential Appeal that the subject was advertised and sold by a realtor. The appellant did not disclose whether the subject was sold between related parties or whether it was sold in settlement of a contract or a foreclosure. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price when applying the 2015 level of assessment of 25.00% for Class 5 property under the Cook County Real Property Assessment Classification Ordinance.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$40,706. The subject's assessment reflects a market value of \$162,824, or \$32.89 per square foot of gross building area, when applying the 2015 level of assessment of 25.00% for Class 5 property under the Cook County Real Property Assessment Classification Ordinance. In support of its contention of the correct assessment, the board of review submitted information on five suggested comparable sales of industrial warehouses in Schaumburg Township, ranging from 5,000 to 6,065 square feet of building area including land. Four of these sold in 2014 and one in 2012, for prices ranging from 433.33 to \$44.50 per square feet of building area.

In rebuttal, the appellant argued that the comparables submitted as evidence by the board of review should be given diminished weight because they were based on raw, unadjusted sales data. The appellant reaffirmed the request for an assessment reduction.

At hearing, the appellant moved to admit a copy of the board of review assessment decision in the 2014 lien year. The Administrative Law Judge (hereinafter, "ALJ") denied the motion to admit since the appellant did not establish any probative value to that decision. The appellant reaffirmed the evidence and arguments it previously submitted to the Board. The board of review representative argued that the sale of the subject was compulsory since it was REO property. The board of review moved to enter into evidence a copy of the Board's decision in #13-28582.001-R-1 for the proposition of law that a compulsory sale of a property may not be at arm's-length for fair cash value. The ALJ admitted the decision as BOR Exhibit #1. The board of review argued that the comparable sale properties it submitted established a range of recent

sales that are above the assessment level of the subject. The appellant argued that the subject was sold at arm's-length through a realtor and should, therefore, be considered at market value.

Conclusion of Law

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

In addressing the appellant's market value argument, the Board finds that the sale of the subject in August 2014 for \$120,000 is a "compulsory sale." The evidence disclosed that the subject was sold as "REO" property. REO is an abbreviation for "real estate owned." Black's Law Dictionary, "REO" (10th ed. 2014). Real Estate Owned is defined as "Property acquired by a lender, usu. through foreclosure, in satisfaction of a debt. - Abbr. REO." Black's Law Dictionary, "real estate owned" (10th ed. 2014). A "compulsory sale" is defined as:

- (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and
- (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete.

35 ILCS 200/1-23.

Real property in Illinois must be assessed at its fair cash value, which can only be estimated absent any compulsion on either party.

Illinois law requires that all real property be valued at its fair cash value, estimated at the price it would bring at a fair voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is likewise ready, willing, and able to buy, but is not forced to do so.

Bd. of Educ. of Meridian Cmty. Unit Sch. Dist. No. 223 v. Ill. Prop. Tax Appeal Bd., 961 N.E. 2d 794, 802 (2d Dist. 2011) (citing Chrysler Corp. v. Ill. Prop. Tax Appeal Bd., 69 Ill. App. 3d 207, 211 (2d Dist. 1979)).

The appellant's sales listing summary sheet established that the subject was sold as REO. It also disclosed that the "true seller" was BMO Harris Bank and that the "recorded seller" was Bayview Loan Servicing LLC. However, the Illinois General Assembly recently provided very clear guidance for the Board regarding compulsory sales. Section 16-183 of the Illinois Property Tax Code states as follows:

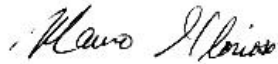
The Property Tax Appeal Board shall consider compulsory sales of the comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer.

35 ILCS 200/16-183. Therefore, the Board is statutorily required to consider compulsory sales of comparable properties submitted by the parties to revise and/or correct the subject's assessment. The Board may consider market value evidence, such as sales of comparable properties submitted by the parties, to determine whether the subject was sold at fair cash value. 86 Ill.Admin.Code §1910.65(c)(4); *See Calumet Transfer LLC v. Illinois Property Tax Appeal Board*, 401 Ill.App.3d 652 (1st Dist. 2010).

The appellant did not submit comparables or other evidence to establish that the sale of the subject was for fair cash value. The board of review submitted five sale comparables that contained property characteristics similar to the subject. They sold from 2012 through 2014 for prices ranging from \$33.30 to \$44.50 per square foot of living area, including land. The subject's assessment reflects a market value of \$32.89 per square foot of building area, including land, which is below the range established by the best comparable sales in this record. The subject's sale price of \$120,000, or \$24.24 per square foot of building area, including land is below the range established by the market data.

In determining the fair cash value of the subject property and all relevant factors, the Board finds that the appellant did not submit sufficient evidence to show the subject was overvalued. Therefore, the Board finds that the appellant has not met its burden by a preponderance of the evidence and that the subject does not warrant a reduction based upon the market data submitted into evidence.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Member



Member



Member



Member

DISSENTING: _____

CERTIFICATION

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: December 18, 2018



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year or years of the same general assessment period, as provided in Sections 9-125 through 9-225, are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for such subsequent year or years directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.

PARTIES OF RECORD

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